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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,873	02/11/2000	Derek L Collison	TEKN004/01US	5804

7590 05/19/2003

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EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 05/19/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/502,873

Applicant(s)

COLLISON ET AL.

Examiner

The Thanh Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to the amendment filed 2/27/2003.
2. Claims 1-25 have been examined and are pending in the application.

***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-10, 12-21 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by Skeen U.S Patent No. 5,557,798.

As to claim 1, Skeen discloses publisher application and subscriber application (data producing and data consuming processes, lines 41-42 column 80) in communication over a communications path (data path, line 46 column 80), publishing a message (subscription request, lines 52-53 column 80) over the communication path without knowing the address of the subscriber application (no need to receive any address or address related data, lines 10-25 column 81); receiving the message (receive a subscription request, lines 52-53 column 80) at the subscriber application; registering a subscription request for messages (register subscription, line 3 column 95), establishing a communications session (communication link be established, line 60 column 80) between the applications in which the publisher application communicates subsequent messages (subsequent data messages, line 31 column 100) to the subscriber application, monitors whether the subscriber has received message (verifies that all packets have been received, line 47 column 5), establishing a certified message delivery session (lines 45-55 column 5).

As to claim 2, Skeen further discloses the message type is identified by the message content (data of the requested type, line 7 column 5) and the subscription request is for messages of that content (access data on a specified subject, line 54 column 80).

As to claim 3, Skeen further discloses the subscriber application registers the subscription request (register subscription, line 3 column 95).

As to claim 4, Skeen further discloses a subject based addressing method (subject-based addressing, lines 63 column 4).

As to claim 5, Skeen further discloses the subscription request identifies the subscriber application address (lines 1-4 column 90).

As to claim 6, Skeen further discloses the publisher monitors the receipt of the message (verifies that all packets have been received, line 47 column 5) by waiting for an acknowledgement of message receipt from the subscriber (acknowledgment message is sent, lines 52-53 column 5), resending the message to the subscriber application (retransmission, line 50 column 5).

As to claim 7, Skeen further discloses the subscriber application requesting registration (line 65 column 94 to line 20 column 95), the publisher application accepting the subscriber application registration request and registering the subscriber application (register subscription, line 3 column 95)

As to claim 8, Skeen further discloses the publisher application notifying the subscriber application of registration (line 65 column 94 to line 20 column 95).

As to claim 9, Skeen further discloses including a sequence number in the message to the subscriber application (adds sequence numbers to packets, lines 45-46 column 5); deleting the message from a ledger of messages (flush the packets out of the retransmit buffer, line 54 column 5) when the subscriber application acknowledges receipt of the message (have been successfully received, line 52 column 5).

As to claim 10, Skeen further discloses a plurality of subscriber applications (one or more data consuming processes, line 31-32 column 91).

As to claims 12-21, note the discussions of claims 1-10 above, respectively.

As to claim 23, note the discussions of claims 1 and 9 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skeen in view of Martino U.S Patent No. 5,680,551.

As to claim 11, Skeen further discloses the publisher application does not need to know the existence of the subscriber application (no need to receive any address or address related data, lines 10-25 column 81). However, Skeen does not disclose queuing of messages. Martino teaches queuing of messages (queuing and routing

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messages, line 11 column 4), the individual ones of the n-subscriber applications (applications/processes, line 13 column 4) indicate their availability to another one of the n-subscriber applications (applications/processes, line 13 column 4) as a scheduler (communication agent, line 15 column 4); and the scheduler routes messages to subscriber applications (communicating the routed messages and data through a communication agent, lines 14-15 column 4) having appropriate availability. It would have been obvious to apply the teachings of Martino to the system of Skeen because this allows multiple communication facilities operate simultaneously whereas if one communication facility is failed, another communication facility can be picked up to continue the sending of information as disclosed by Martino (lines 1-42 column 3).

As to claim 22, note the discussion of claim 11 above.

As to claims 24-25, note the discussion of claim 11 above.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argued that Skeen discloses registering a subscription request with a computer, not a publisher application (Remarks, second complete paragraph page 9). In response, Skeen (lines 6-12 column 95) discloses that the subscription request is registered with service instance that publishes the requested data, and this service instance is coupled to a computer. The reference meets the limitation as broadly claimed.

Applicant argued that Martino does not disclose registering a subscription request for a subscriber application at the publisher application (Remarks, third complete paragraph page 10). In response, Skeen reference was used to teach this limitation, not Martino reference.

Applicant argued that Skeen does not disclose labeling the outgoing message with a sequence number (Remarks, last paragraph page 10). In response, Skeen discloses including a sequence number in the message to the subscriber application (adds sequence numbers to packets of packetized messages, lines 45-46 column 5). The reference meets the limitation as broadly claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington, D.C 20231

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH  
May 7, 2003



ST. JOHN COURTENAY III  
PRIMARY EXAMINER